

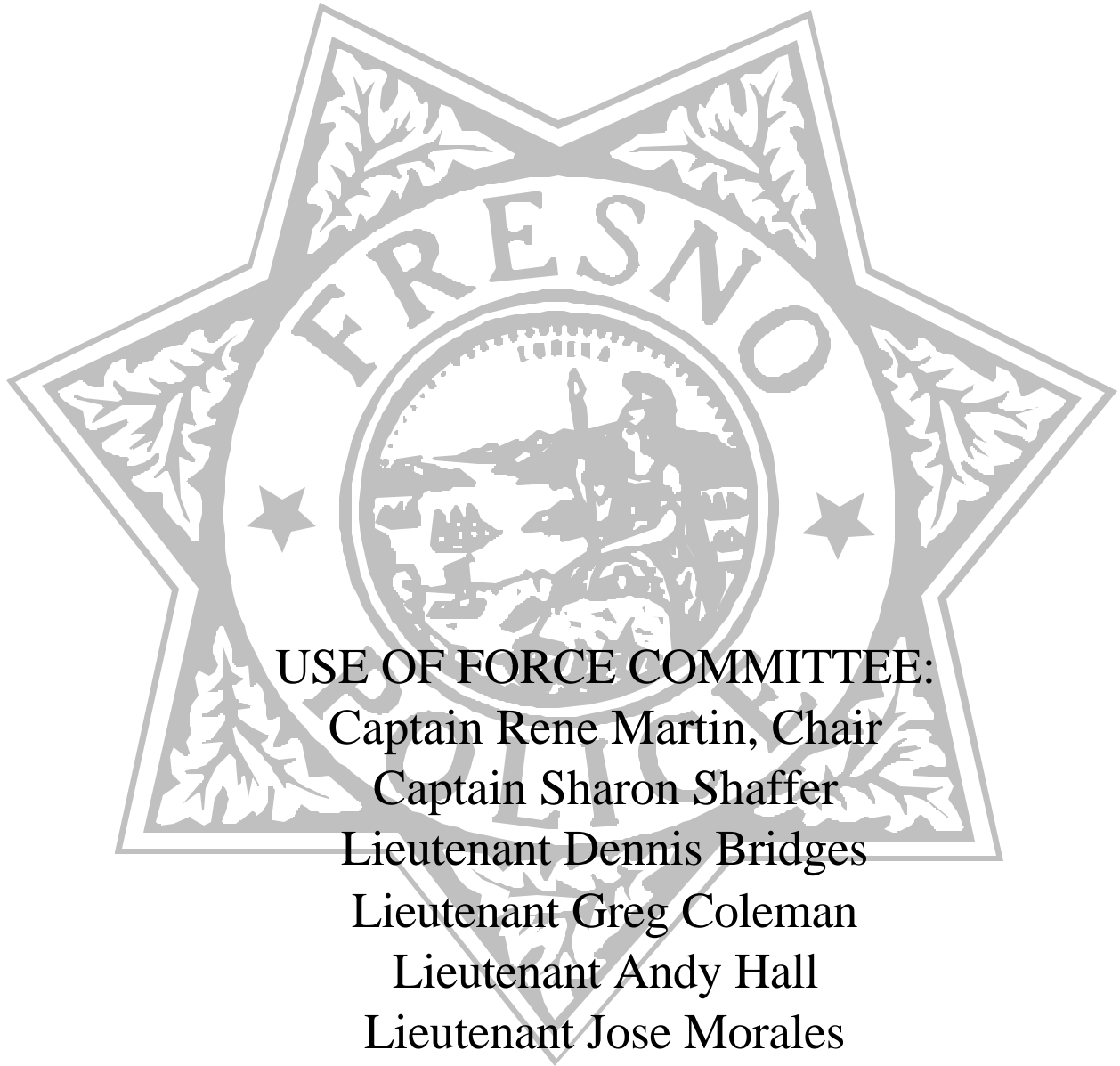
STUDY OF USE OF FORCE



FRESNO POLICE DEPARTMENT

August, 2002

USE OF FORCE



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USE OF FORCE EXECUTIVE SUMMARY

The Fresno Police Department continually strives to provide the best possible service to the community. One of the ways to reach this goal is through a thorough review of our Policies and Procedures.

The Use of Force by police officers has a profound effect on the officer, the suspect, and the community. Because the use of force can lead to dire consequences, including the taking of a life, Chief Dyer directed that a comprehensive study of the Department's Use of Force Policies and Procedures be undertaken. A committee of seven, chaired by Captain Rene Martin was set up to undertake this evaluation.

A committee of Fresno Police Department staff officers were selected to do a comprehensive study and review of use of force. It was decided that the review and comparison would be undertaken in the following manner:

- \$ A comprehensive review of Fresno Police Department's policies and procedures.
- \$ A comparison of Fresno Police Department's policies and procedures to that of other agencies.
- \$ A review of Fresno Police Department's training policies and curriculum.
- \$ A comparison of Fresno Police Department's training policies and curriculum to that of other agencies.
- \$ A comprehensive research of the Command College, National Academy, and other agencies' studies and recommendations on use of force.

Based on the findings of the committee the following recommendations were made:

Policies and procedures:

The committee did not recommend any changes to the Fresno Police Department Standing Orders on Use of Force.

Supervision:

The committee felt that the key to preventing excessive use of force is to make sure that every effort is made to ensure that field supervisors are available and have access to officers in the field.

Training:

In the area of training, the committee had the following recommendations:

1. It was proposed that a minimum of (eight) 8 hours of training be given in conjunction with range training per quarter
2. Specialized training for supervisors:
3. Continued updated training:
4. Change current system to include required and elective courses.
5. Set up a committee to review and make recommendations on appropriate in-house and outside training.

Non-Lethal/Less lethal force options:

Setup an ongoing committee to review new non-lethal/less lethal weapons that are produced and to evaluate them for integration into the police arsenal.

General:

1. The Critical Incident Review Committee should be used to review officer involved shootings, in-custody deaths or other issues as directed by the Chief of Police. The Committee should also review tactics, training and the appropriate use of force during that event. This review should be timely so as to provide direction in the area of training or procedures that may need to be addressed.
2. It is recommended that the current Unusual Occurrence Report, for use of force that causes injury, be updated to provide significant information with regard to the incident. The information from this Unusual would then be placed into a database to provide tracking and statistical information. The Unusual Report should be expanded and checked to see if the incidents are within policy. The form should be submitted as confidential, and it is thought this information should be channeled through the Legal Advisor and then only to Executive Staff members.
3. An early warning system should be developed that uses existing data and reports. This information would be used to determine if an officer had exceeded a set number of incidents in specific time frame. An officer exceeding the limit would be subject to a mandatory review by his commander.

REPORT OVERVIEW

Background:

The Fresno Police Department continually strives to provide the best possible service to the community. One of the ways to reach this goal is through a thorough review of our Department's Policies and Procedures.

The Use of Force by police officers has a profound effect on the officer, the suspect, and the community. Because the use of force can lead to dire consequences, including the taking of a life, Chief Dyer directed that a comprehensive study of the Department's Use of Force Policies and Procedures be undertaken. A committee of seven, chaired by Captain Rene Martin was set up to undertake this evaluation.

Methodology:

1) A committee of Fresno Police Department staff officers was selected to do a comprehensive study and review of use of force. It was decided that the study comparison would be undertaken in the following order.

Fresno Police Department's Policy and Procedures:

- \$ A comprehensive review of Fresno Police Department's policies and procedures.
- \$ A comparison of Fresno Police Department's policies and procedures to that of other agencies.
- \$ A review of Fresno Police Department's training policies and curriculum.
- \$ A comparison of Fresno Police Department's training policies and curriculum to that of other agencies.
- \$ A comprehensive research of the Command College, National Academy, and other agencies' studies and recommendations on use of force.

To accomplish this task, several subcommittees were set up to review the following items:

1. Capt. Greg Garner was assigned to chair a review of Fresno Police Department training and policies.
2. Lt. Greg Coleman was assigned to chair a review of other agencies' training and policies.
3. Lt. Dennis Bridges was assigned to chair a review of after action critique policies, use of force reporting and non-lethal/less lethal technology.

4. Captain Sharon Shaffer was assigned to chair a review of department incidents and of current use of force issues.

A report from each sub-committee was completed and submitted to the entire committee. The information provided was extensively reviewed and discussed by members of the committee and several recommendations were submitted. The recommendations submitted by the committee were then forwarded for review to a committee from the Chief's Citizen's Advisory Committee and Ron Claassen, Co-Director of Center for Peacemaking and Conflict Studies and Professor of Conflict Management and Peacemaking at Fresno Pacific Graduate School for review and comments.

Due to a change of assignment Lt. Andy Hall replaced Capt. Greg Garner on the committee.

COMMITTEE REPORTS SUMMARIES

Fresno Police Department Use of Force Training and Policy.

Captain Greg Garner prepared a summary of Fresno Police Department's Training and Policies. Listed below are his findings.

The members of the Fresno Police Department receive numerous hours of training regarding the use of force throughout their careers. Use of force training is originally taught in the police academy. The curriculum satisfies legal requirements, and must be approved by the Peace Officers Standards and Training. FPD provides ongoing training for all officers in an attempt to keep skills sharp, reinforce the knowledge of policy, and meet legal requirements. Our force policies are based on legal requirements and case law. We also issue roll call training bulletins occasionally to update officers on case law. Use of force issues are also addressed occasionally in the briefing training sent to Districts.

Policies:

Fresno Police Department Policies were reviewed for this report. The sections covered included Use of Force, Vehicle Pursuits, and Canine Operations.

Training:

Training regarding the use of force begins in the Police Academy. When we send someone to the police academy, we use the State Center Peace Officers' Academy, in Fresno. However, we hire some personnel who have attended other academies. P.O.S.T. regulates what topics are taught at all police academies, and they provide workbooks to ensure the same information is presented statewide. They also require a minimum number of hours for training in each topic. The State Center Peace Officer's Academy exceeds the required hours by P.O.S.T. in all of the use of force learning domains. The following will address specifically the State Center Peace Officer's Academy, but other Academies would be similar.

Use of force issues are presented to Academy Cadets in several different formats to include classroom instruction, practicals, and range training. Three learning domains cover the Use of Force instruction, Learning Domain (LD) 20- Use of Force, LD 35 - Firearms and Chemical Agents, and LD 33 - Arrest and Control/Baton.

The Academy provides 31.5 hours of classroom instruction and eight hours of practical instruction concerning the Use of Force. The classroom portion covers Introduction to the Use of Force, Force Options, Use of Lethal Force, Documenting the Use of Force, Emotional Aspects of the Use of Force, Intervention and the Use of Excessive Force, and the Consequences of Unreasonable Force. The practical instruction includes scenarios about high-risk vehicle stops, prowler in progress, and ambush/sniper.

The Firearms/Chemical Agents portion consists of seventy-eight hours of training; eight hours of classroom/practicals, and seventy hours of range training. During this training, they give the Cadet information regarding firearms safety, basic firearms operation, firearms ammunition, cleaning and maintenance, principles of shooting accuracy, and chemical agents.

The Arrest and Control/Baton portion consists of ninety-four hours of training that is a mix of classroom, exercises, and practicals. This learning domain covers principles of weaponless defense, person searches, control holds and takedown techniques, carotid restraint hold, restraint devices, weapon retention and take-away, use of the baton, and transporting prisoners.

The following are detailed descriptions of the training provided in the P.O.S.T. learning domains:

Use of Force:

Introduction to the Use of Force - This defines reasonable force as defined in the Penal Code, recalls the four components for objective reasonableness, identifies the suspect's requirement to submit to arrest without resistance and a peace officer's authority to use restraint during a detention or an arrest.

Force Options - Defines the term *force options* as those choices available to a peace officer as identified in each agency's policy. Peace officers are required to: use force only when authorized to do so (to overcome resistance), use the type of force that is reasonable under the circumstances, use only the amount of force to overcome resistance and to gain or maintain control of a suspect, and to use only the amount and type of force permitted by department policy. This includes level of resistance such as cooperative, resistive (both passive and active), assaultive, and life threatening. Officers must take into consideration the totality of the circumstances when selecting a reasonable force option for a given situation.

Use of Lethal Force - The decision to use lethal force should be guided by a reverence for human life and used only when other means of control are impractical or have been exhausted. Lethal force means a force likely to cause death or serious bodily injury.

Items 1 through 4 below represent the current law pertaining to Police Officers.

	In order for peace officers to employ lethal force, the following must apply:. . .
1.	Life-threatening - Awhere the officer has probable cause to believe that the suspect poses a threat of serious harm, either to the officers or others . . .
2.	Life-threatening felony - A . . if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction of serious bodily harm . . .@
3.	Give warning where feasible - A . . . the court imposes a constitutional requirement that some warning be given prior to the use of lethal force where feasible . . .: AHalt police! Stop or I=I shoot!@
4.	If necessary to prevent escape - A . . . in order for lethal force to be constitutionally permissible, there must be probable cause to believe that the use of lethal force is reasonably necessary . . . A

The three elements required to establish a sufficiency of fear include:

- \$ The circumstances must be sufficient to excite the fears of a reasonable person in like circumstances.
- \$ The person must not act under the influence of fear alone. There has to be some circumstance or overt act apart from the officer's fear.
- \$ The decision to use lethal force must be made to save oneself or another from great bodily injury or death.

Documenting the Use of Force - The documentation should include precipitous acts, suspect behavior, all physical characteristics, the environment (such as a high crime area, etc.), describing the type of force used, post custody actions, and witness statements. All documentation should be very detailed and accurate.

Emotional Aspects of the Use of Force - This topic includes the concept of control. Control is that degree of influence the officer must exert to take a suspect safely into custody. Control includes physical and emotional control. Emotional control means discipline, concentration, and alertness. They give the Academy Trainees examples on how to manage fear and anger and are shown the differences between what is reasonable and what is unreasonable. Included in this block of material are the consequences of unreasonable force to include civil and criminal liability as well as agency liability.

Firearms Safety

Officers must be aware of and practice all procedures for the safe handling of all firearms while both on and off duty.

Safe firearm handling is every officer's personal and professional responsibility.

The following are the four fundamental rules of firearm safety:

1. Treat all firearms as if they are loaded
2. Always keep the firearm pointed in the safest possible direction
3. Always keep fingers off the trigger until ready to fire the firearm
4. Be sure of the target and what's beyond it before firing the firearm

Other areas of training include:

Semiautomatic Pistols and Magazines

Shotguns

Firearms Ammunition

Ammunition Safety

Principles of Shooting Accuracy

Shooting Under Low Light/Nighttime Conditions

Combat Shooting Skills

Chemical Agents

Principles of Weaponless Defense

Controlling Force: Control Holds and Takedown Techniques

Carotid Restraint Control Hold

Restraint Devices

Weapon Retention and Take-away

Use of Baton

Justification of use of Baton

Field Training Program:

Overview

The recruits receive a four-week orientation coupled with a 15-week field-training program. During the orientation, recruits receive use of force training that includes: a 20-hour class on pedestrian approaches, field contacts and building searches; a 16-hour class at the range to teach the recruits firearms techniques preferred by our agency; and a 2-hour class on the department policies related to Use of Force, Vehicle Pursuits and Code Three Driving.

Use of Force - New Officer Orientation - Pedestrian approaches

We give the recruits twenty hours of instruction related to Use of Force Issues in a class titled "Pedestrian Approaches". This is a class that P.O.S.T. has mandated for all new officers. The class was developed in house and is monitored by the Personnel and Training Unit. Day 1 provides the trainee with approximately three hours of lecture on various options, officer presence, verbal commands, physical confrontations, OC spray, M26 taser (how and when deployed is explained but the training on the actual use is not provided), baton, non-lethal/less lethal, K-9, and then lethal force. The remainder of the day is used to provide techniques for pedestrian approaches, traffic stops, and building searches in preparation for actual scenarios given the following day in which the techniques will be used. The second day consists of role playing in the scenarios. A non-lethal and a lethal scenario are provided for two of the three scenarios. Simulations are used to provide a realistic environment for the trainee and to enhance the learning retention. Four instructors are used for this block of instruction. The techniques used are as follows:

***Note:** All of the recruits have advised that the above training was extremely beneficial and provided more hands on and reality based encounters than that given in the Academy.*

Range Orientation

The recruits receive a 16-hour class at the range taught by the Personnel and Training range coordinator. The purpose of this class is to introduce the officer to the many Department weapons that the officer will use in patrol. These include the Beretta 96F handgun and the Remington 870 12 ga. shotgun in the Lethal and Less Lethal configurations. This time is also used to emphasize that the officer's goal anytime the officer encounters a threat is to stop it. They do not train the officers to kill the threat but to stop the threat.

The primary purpose of the orientation is to train the officer in the use of the handgun. The first day of training introduces the officer to the weapon and the nomenclature. It also includes some shooting that focuses on marksmanship (both right and left-handed with the handgun and a block on the Remington 870 shotgun) both Lethal and Projected Impact (Less Lethal). Day two covers many areas of firearms tactics such as: proper position of the weapon, how to properly shoot from behind cover/concealment, slicing the pie, assessing the threat, transition from right to left/left to right hands, speed reload, tactical reload, move and shoot, shooting while moving, modified groucho walk, etc. Specific tactics can be done multiple ways. Different agencies, training classes and academies can use different methods. The range coordinator has evaluated different techniques so that the techniques taught to our employees are the safest for the officer. This also allows for consistency when officers work together to accomplish a task while working.

We teach the recruits that the point of aim is center mass of the threat. This is the area between the sternum and just below the belt. There are reasons why we aim for this area. Aiming lower allows the officer to see more of the threat, weapon, and allows for more hits. The increased hits occur when an officer does not control the recoil of the weapon because failing to control the recoil causes the shots to go high. If an officer is aiming high, these misses will strike the head or go over the head and shoulders. By aiming lower, the officer can still effectively stop the threat but typically will not have to shoot so much that they kill the threat.

Sympathetic fire is discussed during our Projected Impact weapons training. To avoid the unnecessary use of a lethal weapon carried by another officer, the officer preparing to shoot the projected impact weapon announces “less lethal” aloud and over the radio.

Sympathetic fire is not discussed during other firearms training because officers are trained only to shoot where there is an immediate deadly threat by a suspect. If there is no threat, they do not shoot.

At the conclusion of the range training, the new recruit is qualified for the quarter. Additional range training is not provided unless the recruit was not able to overcome problems during the 16-hour training. If there are problems, we will assign the recruits to go to the range weekly until they meet the necessary competency.

A Lieutenant instructs the Recruits about “Use of Force” and “Vehicle Pursuits/Code Three Responses” Policy. He covers the Department Policy (S.O. 2.5.2 dated June 16, 1999) step by step to include the following:

- \$ legal limitation
- \$ reasonable force
- \$ lethal force limitations
- \$ justification-known facts
- \$ litigation consideration
- \$ special leave
- \$ firearms
- \$ proficiency
- \$ drawing weapons
- \$ warning shots
- \$ firing at or from moving vehicle
- \$ animals
- \$ possession of concealed weapons by civilian members
- \$ weapon safety
- \$ vehicles as weapons
- \$ less lethal impact projectiles

- \$ authorization to use less lethal impact projectiles
- \$ justification for use of less lethal impact projectiles
- \$ use of less lethal impact projectiles
- \$ reporting the use of less lethal impact projectiles
- \$ shortage and handling of less lethal shotgun projectiles
- \$ patrol rifle
- \$ authorization and use of the patrol rifle
- \$ justification for use of the patrol rifle
- \$ maintenance, service and repair
- \$ batons, flashlights
- \$ chemical mace or oleoresin capsicum
- \$ electronic immobilizing device
- \$ medical attention
- \$ maintenance
- \$ service and report
- \$ reporting/documenting the use of force
- \$ treatment
- \$ non-injurious force
- \$ disposition of firearms discharge reports/investigations
- \$ review
- \$ findings
- \$ corrective action

In addition, under Vehicle Pursuits/Code Three Responses, (S.O. 3.6.4 dated January 1, 2001) the area regarding 07.00, the Lieutenant covers Deliberate Collisions.

Use of force training also occurs in the 15-week Field Training Program. Throughout the program, the FTO grades the recruit on a 7-point rating scale in the areas of field performance: stress conditions, general officer safety, officer safety: suspects/prisoners, control of conflict: voice command, control of conflict: physical skill, problem solving/decision making. As with all training in the field training program, use of force training is given on an individual basis according to the specifics of the call being handled.

Continuing Professional Training:

Officers receive ongoing training throughout their careers, including use of force training. P.O.S.T. requires officers attend 24 hours of advanced training for every 24-month period. Furthermore, they require four hours of use of force training within that 24-month period. Quarterly range qualifications do not apply to the training time requirement. The training provided to our officers is a combination of in-house training and training provided by outside agencies or organizations. The following is a breakdown of the Force Related Courses taught by the Fresno Police Department:

- (1) Arrest & Control Course
- (2) Expandable Baton
- (3) Officer Safety/Field Tactics
- (4) S&K (Training Materials) Defensive Tactics
- (5) S&K Rapid Intervention
- (6) S&K Search Warrant Execution.
- (7) Use of Force
- (8) Tactical firearms for first responders (patrol rifle)
- (9) Projected Impact Weapons

The following is a list of the courses we send people to put on by outside organizations:

- (1) Advanced Tactical Handgun (Fresno Training Institute) - (24 hours)
- (2) Advanced Urban Sniper Course (Hunt, Stalk & Shoot) - (24 hours)
- (3) Basic Special Weapons Attack Team (Swat)(FBI) - (48 hours) - Plan IV
- (4) Expandable Baton Instructor (Fresno City College) - (16 hours)
- (5) Firearms Instructor (Fresno City College) - (40 hours)
- (6) Officer Safety Course (Fresno City College) - (32 hours)
- (7) Pursuit Immobilization Technique Instructor (San Bernardino Sheriff's Department) (16 hours)
- (8) Pursuit Immobilization Technique (Clovis Police Department) - (8 hrs)
- (9) S.W.A.T. Team Leader (International Training Resources) - (48 hours)
- (10) Tactical Carbine Instructor (Fresno Training Institute) - (32 hours).
- (11) Tactical Commander School (International Training Resources)-(40 hours)

- (12) Arrest & Control Course (Los Angeles P.D.) - (40 hours)
- (13) Arrest & Control Instructors Course (Los Angeles P.D.) - (80 hours)

Firearms Qualification:

Qualifications have evolved from mere qualifications to include firearms training and tactics. During a qualification, an officer is also taught tactics such as: proper position of the weapon, how to properly shoot from behind cover/concealment, slicing the pie, assessing the threat, transition from right to left/left to right hands, speed reload/tactical reload, move and shoot, shooting while moving, modified groucho walk, etc. Officers are instructed to shoot for center mass, the same as taught to new recruits. They are instructed to shoot until the threat has stopped. They are not instructed to shoot to kill.

Simulator Training:

A training to be implemented shortly is a simulator based training referred to as the Force Option Simulator. P.O.S.T. has selected the Fresno Police Department to be the regional training site. This training will be presented to our agency along with the numerous agencies in our region. The goal of the Force Option Simulator Program is to improve officers decision making skills related to the use of force. The objectives to achieve this goal are:

1. Increase the officers' awareness in current law and departmental policy

This is accomplished by the presentation review and discussion of:

- *Title 18, USC Section 242 (criminal)
- *USC Section 42, Title 1983 (civil)
- *PC 196 - Justifiable Homicide by a Public Officer
- *PC 197 - Justifiable Homicide by a Person
- *PC 198 - Justifiable Homicide, Sufficiency of Fear
- *PC 198.5 - Protection of Home
- *PC 835 - Method of Making Arrest, Amount of Restraint
- *PC 835 a - Use of Force Authority
- *Tennessee v Garner - Deadly Force
- *Graham v Conner - Reasonable Force
- *Long Beach v Long Beach POA - Policy more restrictive than law
- *Forrester v San Diego - Level of Force
- *Standing Order 2.5.2

2. Increase the officers' proficiency in the selection of appropriate force options

This is accomplished by the presentation and discussion of:

***Force Options**

- Uniform Presence
- Verbal Communication
- Hands/Control Holds
- Chemical Agents
- Electronic Weapons
- Impact Weapons
- Lethal Force

***Tactical Overview**

- Awareness and Communications

3. Improve the officers' skills in tactics and force options by the utilization of the simulator

This is accomplished by the student's participation in video scenarios where they are presented situations requiring decision making skills.

COURSE OVERVIEW

A maximum of eight officers begin the 4-hour class with an approximately fifty minute lecture/power point presentation discussing penal codes, case law, policy and tactics. A Use of Force Subject Matter Experts@within P.O.S.T. designed the presentation and it is the standard curriculum for all simulator programs.

In the lecture presentation, officers receive a review of available force options. It is no longer an accepted training practice to teach a force continuum, where officers are taught an ascending "stairway" of force. This forum lends to the misconception, both in the eyes of law enforcement and the public, that officers are required to start with the minimum amount of force and then build to the appropriate level. Instead, a "force wheel" is taught, with each spoke in the wheel a type of force. When officers are presented with a situation requiring force, they "spin the wheel" to that which is most reasonable.

Once the lecture is complete, we put officers through a minimum of three scenarios. This usually lasts no longer than 2.5 hours. No more than two officers participate at a time. There are currently sixteen scenarios accepted by P.O.S.T. P.O.S.T. has mandated that at least one of the scenarios must be non-shooting. Officers wear their duty gear and are provided a duty firearm with a laser insert, an OC can with a laser insert and a baton. A shotgun with a laser insert is also available. As the scenario unfolds, officers are to communicate with the actors in the scene. If the situation requires the use of force, officers are to select the most appropriate level of force to gain control of the situation.

Upon completion of the scenario, an instructor reviews the incident and critiques the student's selection of force and tactics. Upon completion of all scenarios, students take a written test on material covered in the lecture.

Though all types of force are discussed in this training, the only force that is available to the officers during the scenarios are: verbal commands, strikes/kicks to a punching bag, OC, baton strikes to a punching bag and firearms. Force not available includes: control holds, projected impact weapons and the taser.

All instructors for the Force Option Simulator are sworn Fresno Police Department employees, selected by the MSB (Management Support Bureau) Commander or their District Commander. P.O.S.T. requires that all simulator instructors have experience as some type of force instructor, be it Defensive Tactics, Firearms, Baton, etc. Once selected as an instructor, they must successfully complete the 40 hour Force Option Simulator Instructor Course. We have sent our selected instructors to courses taught by the San Jose Police Department and the West Covina Police Department. The curriculum for the instructor course was developed by P.O.S.T.'s designated Use of Force Subject Matter Experts and is standard to all Instructor Course Programs.

Specialized Training:

Both District Crime Suppression Team and SWAT members receive additional firearms training due to the nature of their assignments. They still have to qualify quarterly with all of the firearms used by individual members, and they train monthly as teams. Their qualifications are frequently more directed toward marksmanship because their normal monthly training consists of more dynamic training such as shooting on the move or live fire entry training. The instructors of this training are SWAT operators who have attended training outside the Department and bring it back with intention of increasing our skills as they relate to SWAT.

Weapons and Tools:

The Fresno Police Department has several weapons and tools authorized for officers to carry and use. This will provide an overview of these tools and the applicable training involved prior to authorizing department members to carry them. The following are descriptions of the weapons and tools available for use, divided between lethal and non-lethal/less lethal options:

NON-LETHAL/LESS LETHAL FORCE OPTIONS - The Fresno Police Department has five items that fall under a primary category of non-lethal/less lethal weapons or tools.

1. Baton and Expandable Baton
2. Hobbles or RIPP Restraint
3. Tasers
4. O.C. (Oleoresin Capsicum)
5. Projected Impact Weapon

LETHAL FORCE OPTIONS - The Fresno Police Department has three items for patrol that fall under the category of lethal weapons. Additional lethal weapons are used in specialty units.

1. Handgun - Beretta 96F, 40 cal. The handgun is issued to every officer
2. Shotgun - Remington 870 12 ga. Shotgun - full stock.
3. Patrol rifle - Colt M16A1.223 cal.
4. Long rifle - Two different long rifles are issued to the District Crime Suppression Team (DCST) and SWAT personnel. The Colt AR15A3.223 cal. and the Colt LE6920.223 cal.
5. Other SWAT weapons - HK MP5 9mm, a Submachine gun used as a entry weapon; Remington 308; and HK 53,.223.

Use of Force Policies and Procedures of Other Agencies

This section of the report will provide a comparative overview of use of force policies and use of force training from a cross section of law enforcement agencies throughout California. A total of thirty (30) agencies were contacted as potential sources of data. The majority of the departments contacted serve communities with populations in excess of 100,000. Agencies were requested to provide copies of existing Use of Force Policies. Twenty-one (21) agencies complied. A sample use of force policy developed by the California Peace Officers' Association was also reviewed.

The Judgement issued against the City of Riverside was reviewed. Only a portion of the order deals with use of force issues (policy or training). The order does direct the City of Riverside to acquire "less lethal" devices and provide training for its use.

A Semi-Annual Public Report covering compliance efforts of the Los Angeles Police Department relative to its Consent Decree was reviewed. The consent decree, for the most part, deals with issues associated with "racial profiling", handling of citizen complaints, review of arrest reports for accuracy and compliance with department policy, general supervisory oversight, and training for Field Training Officers, Supervisors, and Commanding Officers in the handling of internal affairs investigations. The decree is more focused on enforcing compliance with established policy rather than dictating specific new use of force policy.

A phone interview was conducted with Lt. Nick Muderzow of the District of Columbia Metropolitan Police Department along with a review of their use of force policy and Memorandum of Agreement with the United States Department of Justice. The D.C. MPD was required to review and revise their policy because of a high number of officer-involved shootings, approximately 250 annually. The major change to their policy was that officers are authorized to shoot at a vehicle only if the driver/passenger himself is posing a threat by shooting at the officers. They cannot shoot if the vehicle itself is causing a threat. This policy change resulted in a 78% decrease in officer-involved shootings.

San Diego's Use of Force Task Force recommendations were reviewed. San Diego set up a task force of 137 members—71 community members and 66 members of the San Diego Police Department. The Task Forces' fifteen month analysis included a review of the Departments policies, procedures and training in the areas of lethal and less lethal force, police vehicle pursuits, media issues, community issues, and interactions with homeless and the mentally ill. Of the 100 San Diego recommendations, over 50% were policies and practices already in use by the Fresno Police Department.

Additionally, eighteen (18) departments participated in a telephone survey relative to use of

force training and the documentation and review process for use of force incidents.

USE OF FORCE POLICY

\$ Use of force policy for all California law enforcement agencies is primarily defined by California Penal Code section 835a which provides that:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

\$ The Fresno Police Department uses wording from PC 835a as the foundation for its Use of Force policy. Although not referenced in Fresno Police Department Policy, some agencies cite portions of current case law that defines or clarifies the term "reasonable"

\$ Some departments utilize a Use of Force Continuum.

\$ Some policies are preceded by an introduction or **value statement** which expresses the department's general philosophy relative to the use of force.

SURVEY RESULTS

Eighteen agencies were contacted. One agency, Daly City, forwarded a copy of their policy, but did not partake in the survey. Each of the other 17 agencies were asked a group of eight questions regarding their current policies on Use of Force. Listed below are the questions asked and a synopsis of the information received.

1. Obtain copies of the agency Use of Force Policy.

80% of the agencies provided copies of their current policies. 20% of the agencies were in stages of revision of their policies. These agencies agreed to forward a copy of their policies as soon as they are available.

2. Does the agency mandate Use of Force or Tactical Training?

17% of the agencies contacted reported training once every two years. The training lasts somewhere between 8 and 40 hours depending on the agency. One of these agencies also reported providing training monthly (30 minutes) in addition to the yearly training.

42% of the agencies reported that they have training once per year. Training lasts somewhere between one and 40 hours.

40% reported training happening on a more frequent basis than yearly. These agencies trained anywhere from monthly to twice per year, providing anywhere from two to 24 hours of training.

One agency reported that this training is not mandated.

3. Does the agency offer in-house Use of Force or Tactical Training?

All agencies, except the one not mandating this training, did their training in-house.

4. What type of review process does the agency use, if any, for approving outside Tactical Training?

Three of the agencies reported that they do not use any type of outside training. Two reported that officers could attend, at their own expense. One agency has no policy regarding this subject. Three agencies stated that only instructors could attend outside training, and the remaining agencies reported that any outside training must be approved by the Chain of Command.

5. Does the agency restrict or discourage its members from attending any specific Tactical Training (e.g. Gunsight, Calibre Press, NTOA, etc.)?

All agencies agreed that there were no restrictions or discouragement to officers to obtain this type of training, but nearly 50% of the agencies surveyed noted that the training would not be paid for by their agency, but rather at the expense of the officer.

6. Is any special documentation other than a crime report required for Use of Force incidents?

42% said that there was no special documentation. One of those said that there was an exception if it was an officer involved shooting, and another stated no, except where there is an injury involved.

The other 58% all stated that there was special documentation required.

If so, what, if any, internal review process is used? (Example: Internal Affairs, immediate supervisor, bureau commander, chief of police, etc.)

Several agencies did not provide this information. Of the agencies that did respond, the breakdown of how these reports are reviewed is as follows: Four stated that the information is given to the officers= supervisor. Three stated the information was forwarded to the Watch Commander, three were given to the Professional Standards Unit, one went to Executive Staff, one reported directly to the Chief of Police, and one agency merely keeps a log of all such incidents.

7. Does the agency have a Use of Force review procedure? (If so, obtain a copy.)

Three agencies did not have a review procedure. One entity has a process currently being developed, and one stated that their only review procedure was if deadly force was used. The remainder of the agencies reported having a review procedure in place.

8. Does the agency have a Use of Force tracking system? (If so, obtain a copy.)

70% of the agencies reported having no tracking system.

FRESNO POLICE DEPARTMENT USE OF FORCE INCIDENTS

In an attempt to develop useful data on uses of force by Fresno Police Department members, it was discovered that officer-involved shooting and in-custody deaths were the only incidents tracked in such a manner that allowed for meaningful review and comparison.

Currently all uses of force are documented in a police report and uses of force that cause injury, require that an unusual report be completed and reviewed by staff.

SYNOPSIS OF OFFICER INVOLVED SHOOTINGS

There have been forty-one Officer Involved Shootings between 1996 and 2001. Out of these forty-one cases, a total of seventy-seven officers discharged their weapons. A majority of the shootings were initiated during armed disturbance type calls and during the apprehension of wanted felons. The Southwest District appeared to have had the greatest number of cases. The times varied with a large number of cases occurring between 6:00 p.m. and Midnight.

A large percentage of shootings occurred when suspects pointed a weapon at officers or by furtive movements made by the suspects after direct voice commands were given. There were twelve cases where suspects were shot in a vehicle and three cases where the suspect was shot after fleeing from their vehicle.

The number of officers on scene were usually no more than two. The cases where there were several officers on scene were due to a S.W.A.T. callout or V.C.S.U. type calls where the units work within the team concept.

There were nine cases where the suspects did not have weapons but acted in a manner that lead the officers to believe they were armed. Officers missed the suspect in six cases. In three of those cases, the suspects were never identified. The remaining cases resulted in the suspect being shot or killed. In 90% of the shooting cases, the distance was within 0 to 20 feet. There was only one case with an extraordinary distance where the officer fired from approximately 100 yards killing the suspect with one shot.

Out of seventy-seven officers involved, fifty-four officers had less than ten years of experience. There were only ten officers who were involved in a prior Officer Involved Shooting. Patrol Officers had twenty cases and V.C.S.U. had twelve cases; the majority out of all Divisions. The 40 caliber Beretta was the weapon used by fifty-six out of seventy-seven officers. The two highest groups involved in Officer Involved Shootings were in the standard patrol uniform and the BDU type uniform worn by VCSU.

In almost half of the cases, there was a supervisor on scene. It appears as if the officers were

dealing with suspects under the influence of a controlled substance or alcoholic beverage in almost half of the cases. Due to the fact that a majority of the cases involved a violent type crime, non-lethal/less lethal was not applicable.

Officer Involved Shooting (OIS) STATS 1996 - 2001

A total of 77 officers fired their weapons out of 41 OIS cases.

ORIGINAL INCIDENT:

Narcotics Investigation	4
Armed Disturbance Call	12
Traffic Stops	5
Field Contacts	4
Disturbance Calls (NO DETAILS)	4
Attempting to apprehend a wanted felon	12

LOCATION: (*Policing Districts*)

Southwest	12
Northwest	6
Central	6
Southeast	7
Northeast	7
Clovis	2
Out of County	1

TIME:

6:00 AM - 12:00 PM	7
12:00 PM - 6:00 PM	9
6:00 PM - 12:00 AM	17
12:00 AM - 6:00 AM	8

DAY:

Monday	4
Tuesday	7
Wednesday	5
Thursday	11
Friday	1
Saturday	5
Sunday	8
Holiday	2 of 41 (<i>Fourth of July weekend</i>)

THREATENING ACTION BY SUSPECT:

Pointed a gun at officers	16
Shot at officers	7
Attempted to run over officers	5
Made a furtive movement	9*
Engaged officers with another Weapon	4

SUSPECT IN VEHICLE:

12 Cases with suspects in a vehicle.

3 Cases where the suspect fled after pursuit in a vehicle.

*NOTE:

Prior to the police officers taking action, the suspect(s) were involved in violent, criminal, or threatening behavior.

NUMBER OF OFFICERS AT THE SCENE:

Out of 41 OIS cases:

3	cases involved	1	officer
13	cases involved	2	officers
4	cases involved	3	officers
4	cases involved	4	officers
2	cases involved	5	officers
3	cases involved	6	officers
4	cases involved	7	officers
1	case involved	8	officers
2	cases involved	9	officers
1	case involved	10	officers
0	cases involved	11	officers
1	case involved	12	officers
0	cases involved	13	officers
2	cases involved	14	officers
1	case involved	15	officers

* Out of the 13 cases involving 2 officers on scene, 6 cases involved only 1 officer discharging his/ her weapon.

DISTANCE IN SHOOTING: (Approximate in Distance)

<u>Suspect shot</u>		<u>Missed suspect</u>	
0 - 10 ft.	13	0 - 10 ft.	1
10 - 20 ft.	17	10 - 20 ft.	4
20 - 30 ft.	2	30 - 40 ft.	1
30 - 40 ft.	0		
40 - 50 ft.	2		
Over 50 ft.	1		

NUMBER OF OFFICERS AT THE SCENE:

Out of 41 OIS cases:

18	cases involved	1	officer discharging a weapon
13	cases involved	2	officers discharging a weapon
6	cases involved	3	officers discharging a weapon
3	cases involved	4	officers discharging a weapon
1	case involved	6	officers discharging a weapon

SUSPECT ARMED:

Not armed	9*
Armed	29
Gun replica	3

INJURY TO SUSPECT:

Officers missed (Suspect escaped unidentified)	3
Officers missed (Suspect apprehended)	3
Shot	19
Deceased	16

TENURE OF OFFICERS: (Shooting Officers Only)

0 - 5 years	31
5 - 10 years	23
10 - 15 years	10
15 - 20 years	9
20 - 30 years	4

PRIOR SHOOTINGS BY OFFICERS:

10 of 77 Officers had been involved in prior shootings.

*NOTE:

Prior to the police officers taking action, the suspect(s) were involved in violent, criminal, or threatening behavior.

ASSIGNMENT:

Patrol	20
VCSU	12
POP/NPO	2
HEAT	1
Narcotics	3
Robbery	1

WEAPON USED:

Beretta	56
MP-5	7
Glock	1
Walther PPK	2
S&W .45 cal	2
Shotgun	6
AR-15	4

UNIFORM:

Patrol uniform	21
BDU uniform	12
Raid vest	5
Plain clothes	3

NON-LETHAL/LESS LETHAL:

Bean-bag	2
Legal Intervention	3
Tazer	1
K-9	1
No opportunity	34

SUSPECT'S INFLUENCE:

Intoxicated	8
Drugs	9
Alcohol/ Drugs Combo.	3
None	21

SUPERVISOR ON-SCENE:

Yes	19
No	22

*Of the nine cases where the suspect was not armed, the reasons for using of lethal force are listed below:

- 1 Reached into pocket
- 1 Refused to show hands as ordered by officer
- 2 Used a vehicle as a weapon
- 1 Suspect was believed to have a gun and attempted to drive away while officers possibly heard shots fired.
- 1 Attempted to escape
- 2 Kept their hands in their waistband area and refused to obey officer's orders
- 1 Suspect was dragging officers with vehicle while they attempted to make an arrest

EMERGING NON-LETHAL/LESS LETHAL TECHNOLOGIES

INTRODUCTION

Several law enforcement agencies across the United States were researched to identify what non-lethal/less lethal weapons are being used or tested. I found that the Fresno Police Department is comparable to other agencies that are using or testing the latest non-lethal/less lethal technologies. Most agencies that are using non-lethal/less lethal products are just starting to embrace non-lethal/less lethal shotguns and the M26 Taser. The Fresno Police Department has successfully utilized the M26 Taser (approximately 80 officers are currently trained and utilize the taser). Less lethal shotguns (bean bag), are now available in all the City's patrol vehicles,

Agencies using non-lethal/less lethal products allow limited personnel to carry such products. Those authorized to carry non-lethal/less lethal products are sergeants, field training officers, corporals and special tactical teams. Two reasons for the limited number of personnel carrying the non-lethal/less lethal products are cost and associated training. The Fresno Police Department has all sworn members trained to carry the non-lethal/less lethal shotgun and has over 80 officers authorized to carry the M26 Taser.

CONCLUSION

The non-lethal/less lethal technology product field is growing by leaps and bounds. While gathering data for this assignment it was discovered that the Los Angeles County Sheriff's Department is continually implementing and testing the latest in non-lethal/less lethal technology. It would benefit the Fresno Police Department to personally observe their testing and/or review their findings.

Based on our research, the Fresno Police Department is one of the few agencies that have positively embraced the non-lethal/less lethal technology. It would appear to be worthwhile for the Fresno Police Department to examine and test the latest technology that is offered

FINDINGS

USE OF FORCE POLICIES AND PROCEDURES

A comprehensive review of Fresno Police Department's policies were compared to the reports from other agencies. It was found that our use of force policies are in accordance with state and case law.

Because of the ongoing problems with officers firing at moving vehicles that they perceive as a threat to them, several departments have changed their use of force policy regarding this area.

Washington D.C. Metropolitan Police Department has gone so far into their use of force policy as to make it their policy that officers shall not discharge a firearm at a moving vehicle for the sole purpose of disabling it. That officer should not intentionally place themselves in the direct path of an oncoming vehicle in an attempt to disable a vehicle by discharging their firearm.

In reviewing officer involved shootings, it is apparent that we need to address the issue of officers shooting at vehicles. The committee elected not to make changes to the existing policy, but recommended increased training in this area. The training would direct officers not to place themselves in situations of increased danger that would require use of their weapon. (See recommendations in training section.)

TRAINING

The Fresno Police Department provides their officers with a significant amount of training opportunities. In order to provide flexible scheduling, officers are allowed to pick and choose courses from a catalogue type system. This method of scheduling provides for numerous training opportunities while also allowing control over overtime and scheduling. A concern we find with this system is that there is a lack of consistency and control for what classes an officer is required to take.

Review of our training curriculum also reveals that there is a need for tactical training for supervisors. Currently, supervisors are not required to obtain any updated training in taking control of tactical operations.

Additional firearms training and use of force training is necessary. The range training has evolved over the years to include tactics and firing skills during quarterly qualifications. We have seen skills improve as we have provided this training. However, teaching skills during a designated training would be more effective. This can lead to officers being confident in their ability with their guns. Firearms training is a perishable skill. People who are well trained and comfortable in their skills react differently than someone who is unsure of themselves.

Consistency in training is of paramount importance. This is related to many situations, not just use of force. Having our training officers teach consistent tactics is an important aspect of having officers perform in a consistent manner. To maintain this consistency, FTOs should have additional and consistent training.

Liability issues regarding use of force need to be continually addressed with supervisors. Moreover, supervisors are also trainers. They should have the same training as FTOs to ensure they know appropriate tactics and that officers are using appropriate tactics. This will help ensure consistency.

USE OF FORCE INCIDENTS

A review, of use of force incidents by Fresno Police Department personnel, has uncovered several facts. A look, at a five year breakdown of officer involved shootings, shows a minimum of twelve cases where suspects were shot in a vehicle, and three incidents, where suspects were shot after fleeing from their vehicle. Because vehicles are a tool in so many incidents, it would be apparent that additional training and review of tactics are needed in the area of vehicle stops, pursuits and removing suspects from vehicles. It is noted that several of our shootings were incidents involving officers who found themselves in harms way in front of the vehicle, or felt they were being threatened by the actions of the driver in the vehicle.

A significant finding of the committee, was the lack of available data on uses of force and actions by our officers. The practice of documenting use of force in crime reports and unusual occurrence reports only, without a tracking mechanism, makes it time consuming and cost prohibitive to extract data from the current system to determine the extent of the uses of force by our officers. Many other departments did not track this data for fear of providing plaintiff's attorneys with information that would assist them in suing the departments. While this may be true, other agencies, departments, and this committee feel that the ability to know what is going on outweighs the disadvantages of giving any information to plaintiff's attorneys.

Non-Lethal/Less Lethal Force Options

The non-lethal/less lethal technology product field is growing by leaps and bounds. While gathering the primary and secondary data for this assignment there was one agency that appears to set the standard for law enforcement across the country in regards to non-lethal/less lethal products. The Los Angeles County Sheriff's Department is continually implementing and testing the latest in non-lethal/less lethal technology. It would benefit the Fresno Police Department to personally observe their testing and talk to their experts.

Based on my research, the Fresno Police Department is one of the few agencies that have positively embraced the non-lethal/less lethal technology. It would appear to be worthwhile to examine and test the latest technology that is offered. With our current use of non-lethal/less lethal products and combining a testing base for the latest products, the Fresno Police Department can be the benchmark in the San Joaquin Valley.

QUESTIONS & ISSUES RAISED BY STAFF AND COMMITTEE MEMBERS:

Can the Department disapprove of training paid for by the officer and taken on his own time?

We cannot prohibit an officer from using their own time and money to attend any type of training. However, we can influence officers. Many officers ask the training officers what outside courses are good. If we have knowledge of good or bad courses, we could steer the officer to good courses, and away from courses that teach a philosophy to which the Department does not subscribe. For this to occur, we must know what types of training other organizations or agencies provide. This would require sending officers to this training. They could provide insight into the course. Providing more training concerning firearms and tactics could also make this a non-issue. If we provide advanced training, officers are likely to take the training from us versus spending their time and money to attend outside courses. We would then give the officers the philosophy of our department.

Is the training from outside organizations harmful?

Not necessarily, many organizations and agencies present excellent training, with similar philosophies to ours.

Shoot don't shoot/threat assessment/sympathetic fire:

We address threat assessment at the range during recruit orientation, and some use of force classes. We train officers that they should only use lethal force when they perceive an immediate life threatening situation. During every qualification, the rangemaster reinforces the training by stating, "suspect down" to mean the suspect is no longer a threat and therefore the officer stops shooting. Threat assessment is a major component of the upcoming Force Options Training.

Sympathetic fire is addressed in the projected impact weapons course. One reason is that a less lethal weapon sounds just like a regular weapon. We want to ensure that other officers do not believe the situation has turned to a lethal situation when they hear gunfire.

Are we teaching the appropriate situations for the use of force?

We are teaching the appropriate information. Since training can fade with time, to be sure that the application continue to conform to training, we must provide continual training, teach good habits, and monitor performance.

Are Sergeants determining the appropriate level of force after the force is used?

This is on an individual basis. Some Sergeants will discuss the levels of force used and if it was appropriate. Others may not. It is very important that Sergeants look at the force used, and ensure it is properly documented in the police report. When there are issues with an officer using an inappropriate level of force, if addressed early, the problems may be correctable.

RECOMMENDATIONS

Policies and procedures:

The Use Of Force committee did not recommend any changes to Standing Orders on Use of Force.

Supervision:

The committee felt that the key to preventing excessive use of force was to make sure that supervision, in the field and every effort, should be made to make sure that field supervisors are available and have access to officers in the field.

Training:

In the area of training, the committee had several recommendations to address the issues of use of force. It was proposed that a minimum of (eight) 8 hours of training be given in conjunction with range training per quarter. By making the classes (eight) 8 hours, there would be no need for overtime and it is anticipated that the classes would be P.O.S.T. reimbursable. The training would include, but not be limited to lethal weapons, less-lethal weapons, weaponless defense, defensive tactics, arrest control techniques, verbal tactics, situation training, simulators, policies and law, legal updates, liability issues, legal intervention, PIT update, teargas, force options, stress management, high-risk vehicle stops, and patrol procedures. Special emphasis should be placed on training officers on how to affect the arrest of a suspect in a vehicle while avoiding being placed in the vehicle's path.

Training subjects would include, but not be limited to:

Lethal Weapons (the range)

1. Non-Lethal/Less Lethal Weapons
2. Weaponless Defense/ Defensive Tactics
3. Arrest Control Techniques
4. Verbal Tactics
5. Situational Training
6. Simulators
7. Policy and Laws, Legal Update, Liability Issues
8. Legal Intervention (PIT) Update Only
9. Gas
10. Force Options
11. Stress Management

12. High Risk Vehicle Stops
13. Patrol Procedures.

Specialized training for supervisors:

This should include the listed material above but also with special emphasis given to supervisors controlling situations and tactical situations.

Continued updated training:

If we continue to use our system of continuous training that allows officers to pick and choose the courses they wish to take, it is recommended that the system be changed to something similar to a college system where the officers would have >required and elective= courses.

A committee should be set up to review and make recommendations on appropriate in- house and outside training.

Non-Lethal/Less lethal force options:

The Fresno Police Department currently provides its officers with a substantial amount of non-lethal/less lethal force options such as; projected impact weapons, OC spray, batons, and electronic immobilizers. While the department is up to date on current standards, it is recommended that an ongoing committee be established to review new non-lethal/less lethal impact weapons that are produced and to evaluate them for integration into the police arsenal.

General:

Because it is time consuming and cost prohibitive to collect information on the actions of our officers and to compare these with different standards, it is recommended that the following programs be put into place.

- 1 That the Critical Incident Review Team is used to review officer involved shootings, in-custody deaths or other issues as directed by the Chief of Police. To review tactics, training and appropriate use of force during that event. This review should be timely so as to provide direction in the area of training or procedures that may need to be addressed.
- 2 It is recommended that the current Unusual Occurrence Report, for use of force that causes injury, be updated to provide significant information with regards to the incident. The information from this Unusual would then be placed into a database to provide tracking and statistical information. The Unusual Report should be expanded and

checked to see if the incidents are within policy. The form should be submitted as confidential, and it is thought this information should be channeled through the Legal Advisor and then only to Executive Staff members.

- 3 An early warning system should be developed that uses existing data collected to provide a system where, if an officer has a set number of incidents (5 to 10) including but not limited to Inquiries, Internal Affairs, Complaints and Use of Force Notices, on the logs, there should be a mandatory review. This review should be based on the number of incidents in a rolling twelve-month calendar. This review can be conducted by the district or division staff officer in charge of the employee involved. It is felt that this early warning system would be housed in the Professional Standards Unit. A database, or the ability of current databases to interact, would allow this information to pass freely between them so a report can be generated on a regular basis.

CIVILIAN RECOMMENDATIONS

The Chief's Advisory Committee's Use of Force Subcommittee, consisting of Mr. Fernando Lugo, Mr. Frank Franco of the Equal Opportunities Commission, Ms. Gail Gaston on the Human Relations Commission and Ms. Debbie Nard representing Brian Calhoun, reviewed this report and their comments have been incorporated into the competed documents. Recommendations were consistent with the recommendations of the Use of Force Committee, except that they recommended the Use of Lethal Force incidents be reviewed by an outside agency.

This document was also reviewed by Ron Claassen, Co-Director of Center for Peacemaking and Conflict Studies and Professor of Conflict Management and Peacemaking for Fresno Pacific Graduate School. Mr. Claassen's comments were, where applicable, also incorporated into the report.

Mr. Claassen's recommendations were as follows:

1. "Page 3 Recommendations, Policies and Procedures: I think that in the light of your other comments there is a need to create a policy statement regarding "stepping in the way of a vehicle...." I don't think that training alone is adequate. Perhaps add a statement to 04.04, Firing at or From Moving Vehicles.
2. Page 3 Recommendations, Policies and Procedures: I think that the policies and procedures statement needs to be prefaced by a strong values statement or vision statement that encourages use of non-lethal and discourages the use of lethal force as much as possible. I also would personally encourage language and training that would reinforce the identity of our officers as peace officers and restorative justice officers.
3. Question: Why is the use of less lethal used instead of non lethal?
4. Training: While there is a great statement 02.01 Reasonable Force about minimizing the use of force and maximizing voluntary compliance, I don't see this being backed up with a significant amount of training focused on methods and procedures for gaining voluntary cooperation. While it is a good statement, if officers are not given as much training in use of methods for gaining voluntary compliance as in use of force, the underlying message is to use force.
5. Using lethal force to prevent the escape of a fleeing felon.... It seems to me that it should be a violent felon. I think I read that in the state policy or somewhere else in your document but I couldn't find it now when I looked for it.

6. In 04.02, Justification – Known Facts: I would suggest adding a statement about what to do when in doubt. It seems to me that there are times when it is clear that force is not needed and others when it is and that there are many times when there is doubt. I think a statement could be added to address the doubt.
7. I strongly encourage the documentation of use of force so it can be traced and used in the management. I realize the concerns of legal liability but think that the integrity of our police force and the protection of innocent people are higher values.”
8. I applaud the FPD leadership in use of non lethal devices and would encourage looking at all policies and procedures with the idea in mind of encouraging their use and discouraging the use of lethal force. If we don’t do this, my concern is that we simply broaden the use of force because we don’t reduce the use of lethal force. I believe there is a study of a prison that introduced the use of these devices and found that the officers simply used them more because they were non-lethal. This could be an unintended consequence if the policy is not rewritten to reflect the preference for using the non-lethal in the place of the lethal.

Use of Force Acronyms

BDU	-	Class C Uniform
DCST	-	District Crime Suppression Team
FTO	-	Field Training Officer
LD	-	Learning Domain
MSB	-	Management Support Bureau
OC	-	Oleoresin Capsicum
OIS	-	Officer Involved Shooting
PIT	-	Pursuit Immobilization Technique
POST	-	Police Officer's Standard Training
RIPP Restraint	-	Arm and Ankle Restrainer
S&K	-	Training Materials
SO	-	Standing Order
SWAT	-	Special Weapons And Tactics
VCSU	-	Violent Crime Suppression Unit

Support Documentation

- I. Use of Force Training and Policies, Fresno, California
 - Executive Summary
 - Force Option Simulator
 - Policies
 - Roll Call Training Bulletins
 - Weekly Briefing Training
 - FCC Training
 - By Captain Greg Garner, and Sergeant Sherree Flores
 - Management Support Bureau
- II. Use of Force Policies and Training (Outside Agencies)
 - Lieutenant Greg Coleman
- III. Synopsis of Officer Involved Shootings
 - To: Captain Sharon Shaffer
 - From: Ray Camacho, Detective, Night Detectives Unit
- IV. Washington, D.C. Metropolitan Police Department
 - Lieutenant Andy Hall
 - Use of Force Policy
 - Memorandum of Agreement
 - Force Investigation Team 2000 Annual Report
- V. Emerging Less Lethal Technologies
 - Mark J. Salazar
 - Violent Crime Suppression Unit
- VI. Nonlethal Weapons: Terms and References
 - USAF Institute for National Security Studies
 - USAF Academy, Colorado
- VII. City of Los Angeles Consent Decree
- VIII. City of San Diego
 - October 24, 2001 Update
 - Executive Summary
 - 100 Recommendations
 - Use of Force Task Force Final Report
 - Attachments to Final Report
 - Vehicle Stop Study

- IX. Police Use of Excessive Force
A Conciliation Handbook for the Police and the Community
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- X. Use of Force By Police
Overview of National and Local Data (Including Index)
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- XI. Measuring the Amount of Force Used By and Against the Police in
Six Jurisdictions
By Joel H. Garner and Christopher D. Maxwell
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- XII. Police Use of Force
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Tom McEwen, Institute for Law and Justice
Alexandria, Virginia

- XVII. Use of Force
A Sample Law Enforcement Policy Published by the
California Peace Officers Association
www.cpoa.org/Publications/Sample%20Policies/use_of_force.shtml
- XVIII. Situation-Based Use of Force Continuum
California Peace Officers Association
www.cpoa.org/Publications/Sample%20Policies/forcechart.shtml
- XIX. Police Use of Force
Addressing Community Racial Tensions
U.S. Department of Justice
- XX. Policing and Homicide, 1976-98:
Justifiable Homicide by Police, Police Officers Murdered by Felons
U.S. Department of Justice
Office of Justice Programs
- XXI. City of Riverside City Council Memorandum
Activity Report - Use of Force Panel Report
- XXII. Letter from Ron Claassen
Co-Director Center for Peacemaking and Conflict Studies
Fresno Pacific University
- XXIII. New Information
Visual Effects Assessment of the Green Laser-Baton Illuminator (GLBI)
United States Air Force Research Laboratory